

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHAN DARRELL WILLIAMSON,

Plaintiff

v.

LAS VEGAS POLICE DEPARTMENT,
et al.,

Defendants

Case No. 2:21-cv-02136-GMN-DJA

ORDER

I. DISCUSSION

On December 1, 2021, Plaintiff, an inmate currently in the custody of the San Joaquin County Jail, submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an application to proceed in forma pauperis by an inmate on this Court's approved form together with a financial certificate and an inmate account statement for the previous six-month period. If Plaintiff has not been at the San Joaquin County Jail facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the**

1 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
 2 Plaintiff must still submit an inmate account statement for the dates he has been present
 3 at the facility.

4 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*
 5 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant
 6 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*
 7 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete
 8 application to proceed *in forma pauperis* on or before **February 4, 2022**. Absent unusual
 9 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not
 10 file a fully complete application to proceed *in forma pauperis* with all three required
 11 documents on or before **February 4, 2022**, this case will be subject to dismissal without
 12 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all
 13 three of the documents needed to file a fully complete application to proceed *in forma*
 14 *pauperis* or pays the full \$402 filing fee.

15 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 16 case with the Court, under a new case number, when Plaintiff has all three documents
 17 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
 18 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 19 full filing fee of \$402 on or before **February 4, 2022** to proceed with this case.

20 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court
 21 will not file the complaint unless and until Plaintiff timely files a fully complete application
 22 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
 25 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
 26 application to proceed *in forma pauperis* with all three documents.

27 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 28 approved form application to proceed *in forma pauperis* by an inmate, as well as the

document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **February 4, 2022**, Plaintiff will either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **February 4, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No. 1-1) but will not file it at this time.

DATED: December 8, 2021


UNITED STATES MAGISTRATE JUDGE